UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/66
27 February 1990

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session

Item 11 (a) and (b)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Written statement submitted by the World Association for the School as an Instrument of Peace, a non-governmental organization in consultative status (Roster)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[26 February 1990]

I. Human Rights Teaching for All

1. The aim of the World Association for the School as an Instrument of Peace (EIP) is to give practical effect in schools to the preamble to the Constitution of the United Nations Educational Scientific and Cultural Organization (UNESCO), which declares that "since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed".

2. In this connection, for the last 23 years the EIP has been promoting specific activities to further human rights, particularly by sensitizing teachers, pupils, parents, young people, Ministries of Education, non-governmental organizations and public opinion in general to education for peace and human rights in schools throughout a pupil's school career.

3. In order for the children of today, who will be the citizens of tomorrow, to receive that kind of education and to live in a world of peace, EIP has formed some 20 national branches whose members include teachers from Africa, South and North America, Asia and Western Europe. They work on a voluntary basis to promote the idea in their countries, create instructional materials to teach peace and human rights, distribute them in their schools and use them as material for courses in those subjects with the approval and support of national, regional and local school authorities.

4. The activities of the Association are many and varied. The most important of them is the publication of the following works:

(a) The newsletter "School and peace", which gives members a progress report on its work and initiatives and keeps them up to date on the work of United Nations bodies, other intergovernmental organizations, Ministries of Education, non-governmental organizations and teachers;

(b) A simplified version of the Universal Declaration of Human Rights, easily understood by children, in English, French, Hindi, Portuguese, Spanish, Thai, Urdu, etc.;

(c) "Draw me a human right", a cartoon designed by 53 of the most famous cartoonists from Algeria, Belgium, France, Italy and Switzerland;

(d) "Freedom, 33 r.p.m. for human rights", a gramophone record/cassette with music and lyrics by 10 artistes from Canada, France, Switzerland, who donated their services to EIP to promote the message of the Declaration;

(e) "Cahiers de l'amitié", booklets of pen-pal correspondence to promote solidarity among schoolchildren all over the world. More than 40,000 such booklets as well as teaching materials have been sent to Bénin, Cameroon, Chad, Guinea, Haiti and Senegal. This correspondence between schools, based on the text of the Universal Declaration of Human Rights and the Declaration of the Rights of the Child, has resulted in the twinning of schools in industrialized and third world countries;

(f) Radio broadcasts and audio cassettes on the main topics of discussion in the Commission on Human Rights, including, for example, an interview with Mr. Marc Bossuyt, Chairman of the forty-fifth session of the Commission, in 1989.

II. Training of teachers in instruction of human rights and peace

5. In 1984, EIP set up an International Centre for Training in Instruction of Human Rights and Peace which has the responsibility of training primary-, secondary- and vocational-schoolteachers, further education instructors and national education inspectors. For that purpose, the centre holds international training courses. From 1983 to 1989, seven international courses were held in Geneva, addressed by 80 eminent experts and teaching specialists and attended by 300 teachers from 55 countries.

6. The eighth course, to be held in Geneva from 2 to 7 July 1990, will be given in English, French and Spanish and will cover the following topics: the right of all to education, education in human rights, in the rights of the child and peace; environmental education: its human rights aspects.

7. Subsequent to the first African course for training in human rights instruction held jointly in August 1988 by the Centre and the Government of Guinea in Conakry, in February 1989 the Centre was awarded the Human Rights Prize of the Republic of France, which was presented to it by the Prime Minister, Michel Rocard, on the recommendation of the National Advisory Commission on Human Rights, which is composed of the major French non-governmental organizations.

8. The second African training course, run in conjunction with the Ministry of National Education of Togo, will take place in Lomé from 19 to 24 March 1990.

9. A first course will be held in Lisbon, in Octobre 1990, for officials from the Ministries of Education in the Portuguese-speaking countries and will be organized in conjunction with the Government of Portugal, the United Nations Centre for Human Rights and the International Centre for the Teaching of Human Rights and Peace.

10. In addition to these training courses the work of the Centre includes:

(a) Encouragement, co-ordination and inventorying of research activities as well as study and preparation of both national and international teaching material. The Centre also encourages the dissemination of all existing information and documentation on human rights teaching and education in all countries, especially through the publication of its "Bloc-Notes" and the updating of a computerized data base of all the documents available world-wide in English, French and Spanish;

(b) Reception of trainees, researchers and teachers, placement of a specialized library at their disposal and supervision of work;

(c) Research and study on "Human rights terminology" and of "The universal dimensions of human rights".

III. Proposals

11. The EIP puts forward the following recommendations to forty-sixth session of the Commission on Human Rights:

(a) Human rights teaching, as recognized in such documents as the Universal Declaration of Human Rights, should be included in the official curricula of schools the world over in accordance with resolution 217 (III) D adopted on 10 December 1948 by the General Assembly, which called upon all States to use "every means within their power solemnly to publicize the text of the Declaration and to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories"; education in human rights, as demonstrated by the work of our training centre, can be integrated into many disciplines, such as civics, history, geography and philosophy;

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(b) Ministries of Education should do more than fulfil the requirements of article 29 (b) of the Convention on the Rights of the Child, and provide students and teachers with the means for an education not only in human rights but also in the rights of women and the rights of the child;

(c) Ministries of Education should afford teachers the opportunity to be trained in human rights, in particular by facilitating and encouraging their participation in the Association's international, regional and national training courses;

(d) The United Nations Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights should give fellowships to officials in Ministries of Education who wish to receive training in human rights instruction;

(e) Starting from the 1990-1991 school year, priority should be given to eradicating illiteracy in the world through the UNESCO programme;

(f) To repeat an EIP proposal adopted by the International Congress on Human Rights Teaching, Information and Documentation held by UNESCO in Malta, the Commission should propose to the Economic and Social Council that it should request the General Assembly to devote an International Year to human rights teaching and education at an early date.

12. We hope that the Commission will be able to sensitize Ministries of Education throughout the world so that they will endorse our proposals.

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UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/67
27 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I), the American Association of Jurists, the Andean Commission of Jurists, Human Rights Advocates, the International Association Against Torture, the International Commission of Jurists, the International Indian Treaty Council, the International League for Human Rights, the International Union of Students, the Latin American Federation of Associations of Relatives of Disappeared Detainees, Pax Christi International, the World University Service, non-governmental organizations in consultative status (category II), and the Indian Council of South America, the International League for the Rights and Liberation of Peoples and Liberation, non-governmental organizations on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[26 February 1990]

In the last two years, the human rights situation in Honduras has deteriorated causing an atmosphere of fear and silence, and although the phenomena of disappearances has diminished, the level of extrajudicial executions has again risen. The human rights statistics for the year 1989 reveal 32 extrajudicial executions, 3 political assassinations, 1,291 illegal detentions, 241 reported cases of torture, and 45 death threats. Many human rights workers in Honduras have been killed, have received death threats, or have been illegally detained and coerced, such as: Reinaldo Zuniga Cruz (director of CODEH-Toyos) who was killed on 25 January 1990; Oscar Anibal Puerto (a lawyer and vice-president of CODEH) who received a death threat on 2 February 1990; Roberto Zelaya (a university lecturer) whose home was broken into by three G-2 agents on 31 January 1990; and Anselmo Gomez who was detained and interrogated by US and Honduran army officers on 28 January 1990.

The aforementioned non-governmental organizations,

Note with satisfaction the peaceful and orderly transfer of three constitutional governments in the last decade, and that the new government of President Callejas in Honduras, has stated its intent to respect international human rights standards,

Note with appreciation the invitation by the Honduran Government to the Special Rapporteur on Torture, Mr. Kooijmans, to visit and submit a report to the forty-sixth session of the United Nations Human Rights Commission, concerning the use of torture in Honduras,

Recognize with satisfaction that the Honduran Government has accepted the jurisdiction of the Inter-American Court of Human Rights of the Organization of American States, as well as the rulings by the Court in July 1988 and January 1989 which stated that the Honduran Government was responsible for the forced disappearances of Angel Manfredo Velasquez Rodriguez in 1981, and of Saul Godinez in 1982,

Express the hope that the acceptance of these judgements also represents the good will of the Honduran Government to investigate the more than 150 other outstanding cases of human rights violations,

1. Urge the Honduran Government to invite the Expert on Extrajudicial or Summary Executions to visit Honduras during its next working session;

2. Urge the Honduran Government to take measures to protect human rights defenders working in Honduras;

3. Request the Secretary-General to prepare a programme of technical assistance for governmental and non-governmental organizations working in Honduras for the defence and promotion of human rights.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/68
1 March 1990

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-sixth session
Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[26 February 1990]

1. The International Federation Terre des Hommes (IFTDH) is greatly concerned by violations of the rights of all persons subjected to any form of detention. It wishes to draw the attention of the Commission on Human Rights to the cases of Peru and Colombia in respect of problems of disappearances, the administration of justice and extra-judicial executions. In both countries, the deteriorating economic and social situation is going hand-in-hand with an increasing number of human rights violations.

2. In Peru, violence is becoming more widespread. Various statements taken from witnesses by a member of the IFTDH in the regions under the state of emergency concur in showing that a number of constitutional rights have been curtailed considerably. Elsewhere, torture continues to be used as a method of interrogation. Over the past 10 years, nearly 3,000 extra-judicial executions and 3,000 enforced disappearances have been reported.

3. In some regions, women are the sole providers for their family, as many men have been killed. The women are often arrested and subjected to sexual violence, inflicted on them in order to extract confessions. For 1989, over 300 enforced disappearances have been reported, including that of Marlène Rita Valée, a young girl who was arrested at a school in Huamanga-Ayacucho. A witness stated that members of the armed forces were responsible for the kidnapping. Her father, who had been illegally detained shortly before, was found killed on 7 October 1989.

4. In Colombia, the IFTDH has for several years now been supporting development projects promoting the right to education, land and decent living conditions. The projects help encourage the efforts of local non-governmental organizations and grass-roots organizations of peasants and indigenous persons.

5. At the forty-fifth session of the Commission on Human Rights, the IFTDH condemned the systematic intimidation, killings, disappearances and threats of all sorts affecting popular organizations, intellectuals, students, human rights advocates and judges in Colombia. It also condemned the impunity enjoyed by the culprits up to that time, and the paralysis of the system of justice because of intimidation, lack of resources and the emergency decrees, which were showing a dangerous tendency to replace democratic laws. IFTDH is bound to note that the situation has not improved since then.

6. The IFTDH has followed with interest the Colombian Government's activities over the last year to combat the drug traffic. Drugs are a scourge affecting many countries, and they must be fought. However, having examined the decrees issued under the almost permanent state of siege obtaining in Colombia, the IFTDH is driven to conclude that most of them can also be used to repress activities whose purposes are political. These decrees include:

(a) Decree No. 1857, which prescribes stiffer penalties for rebellion and sedition;

(b) Decree No. 1859, which sets the length of time for which incommunicado detention may be imposed at seven days and includes persons detained under Decree No. 180 of 1988, known as the "Statute for the Defence of Democracy". Decree No. 180 has mainly been applied to popular leaders and students;

(c) Decree No. 2103, which empowers military judges in criminal matters to order searches in places suspected of harbouring individuals who have committed offences associated with drug trafficking, or who have been parties to offences referred to in Decree No. 180/88, or in the offences of rebellion, sedition or riot (Book Two, Title II of the Penal Code). This provision runs counter to the principles of presumption of innocence and inviolability of the home.

7. The IFTDH wishes to remind the Commission on Human Rights that the necessary campaign against drug trafficking which is now being waged by the Colombian Government should not obscure political and social realities in the country, where any form of protest by the population is forcibly repressed. Moreover, killers and torturers most often enjoy total impunity, which runs counter to all basic legal principles.

8. In Colombia today, the civilian population is suffering the effects of an undeclared war. According to the Comisión Intercongregacional de Justicia y Paz, there were 210 disappearances in 1988 and 99 up to September 1989; 51 cases of torture between July 1988 and September 1989; and 232 death threats and attempts at intimidation between April 1988 and September 1989.

9. Human rights advocates in Colombia lead a precarious existence. Several members of the Human Rights Protection Committee of the city of Bucaramanga, in a region where a member of the IFTDH is supporting development projects, have been arrested. Their headquarters were searched and their files confiscated. Similarly, on 8 September 1989, several people working in the People's Training Institute in Medellín were forced to leave their premises by members of the army accompanied by a military judge. In both cases, the decrees applied were those mentioned above, and the official reports speak of "capture of drug traffickers and terrorists".

10. The IFTDH deplores the fact that most of the cases of enforced disappearance which have occurred in recent years have not been cleared up. One example is the case of Christian Roa, who managed a partner organization, the Foundation for Cultural Promotion and Popular Education; he disappeared on Monday, 27 June 1988, and there has been no news of him to this day. Similarly, intimidation and death threats remain common practices and keep human rights workers and popular organizations in a state of permanent tension. The same applies to the few peasant, indigenous and human rights organizations which are partners of an IFTDH member. In 1989, we had the murder of Daniel Espitia, Treasurer of the Colombian National Association of Peasants.

11. In conclusion, and pursuant to the above, the IFTDH recommends that the Commission on Human Rights should call upon the Colombian Government:

(a) To ensure that the system of civil justice operates properly by re-establishing the normal processes for administering it, particularly in respect of persons who have carried out killings or kidnappings;

(b) To repeal the emergency measures and the state of siege and re-establish the democratic laws;

(c) To respect the obligations it undertook by ratifying the International Covenant on Civil and Political Rights.

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UNITED
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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/69
27 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[26 February 1990]

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES: QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY

1. The International Fellowship of Reconciliation is devoted to peace-making in a spirit of non-violence and conciliation. Therefore the Fellowship welcomes the work of the Special Rapporteur on States of Emergency, his reports to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and his update to the Commission on Human Rights.

2. We believe that states of emergency are often times of acute tension when there are real dangers that human rights will be violated and democratic activities unjustly limited. Therefore it is most appropriate that the human rights community made up of international bodies, national governments and non-governmental organizations together pays special attention to states of emergency.

3. We believe that there are three distinct but interrelated aspects to the consideration of states of emergency. The first is an analysis of the political, socio-economic and often strategic considerations which lead a government to impose martial law. Such analysis requires a close examination of political, economic and strategic elements and an evaluation of motivations. Such analysis is best done by non-governmental organizations as it requires a critical assessment of government policies and motivations.

4. The second aspect concerns the bulk of the work done by the Special Rapporteur: an analysis of the provisions of the state of emergency, the consequences of martial law and a special consideration of violations of the core of human rights considered inalienable.

5. The third aspect flows directly from the first two and is the most crucial: ending the conditions which have led to martial law. How does a government get out of a state of emergency? Every government at one time or another of its history finds itself in a bind, the result of past policies which have created the impasse. It is up to the world community, especially as expressed in the United Nations to help such a State return to lawful and civilized conduct. The International Fellowship of Reconciliation has followed with particular concern the imposition of martial law in Lhasa and other regions of Tibet. Therefore briefly our three-point analysis is presented below.

Analysis of the political, socio-economic and strategic considerations which have led to the imposition of martial law

6. On 7 March 1989 a martial law decree was issued by the State Council of China and signed by the Prime Minister, Mr Li Peng. Following this, on the same day, the People's Government of the Tibet Autonomous Region issued three orders signed by Dorjie Ceiring, Chairman, setting out the regulations and the geographic areas covered: Lhasa City, Lhano Township, Dazi County, Duilong Deging County and the east of Dongga Township.

7. Martial law was imposed after demonstrations asking for self-government, a safeguarding of Tibetan cultural identity and improved economic conditions had begun on 5 March 1989. The demonstrations turned into a riot after unarmed demonstrators were gunned down by security forces in the central square of Lhasa.

8. However, martial law in Lhasa and other areas of Tibet has its roots in the Chinese control over the area since 1950. There have been 40 years of erratic and repressive mismanagement. There has been a deliberate effort to destroy the Buddhist foundation of the culture. These Chinese policies of repression against individuals, the destruction of the cultural base of the society, the exploitation of natural resources, and the inflow of Chinese settlers who take a dominant economic position have led to strong resentment and increasing demonstrations for self-rule.

9. The demonstrations and other forms of non-violent action have wide popular sympathy and indicate that the current socio-political situation can be maintained only by the threat of force. Nevertheless, the danger of violence by the Tibetan population does not seem to justify the imposition and continuation of martial law. The vast majority of Tibetans are Buddhists - a faith which stresses non-violence, compassion and forgiveness as the law of

karma will deal appropriately with the actions and thoughts of each individual. Thus the majority of the demonstrations over the last several years have been non-violent on the part of the Tibetans. Violence has nearly always been initiated by the Chinese police and military. On 22 March 1989, General Zhang Suoshang told delegates to the National People's Congress in Beijing that there had been 21 demonstrations - "riots" - in Tibet since September 1987 and that 600 people had been killed.

10. Rather than seeing these demonstrations as a sign of deeply felt concerns which merit close attention on the part of the Government and thus the need to open discussions with a representative cross-section of the Tibetan population, the Chinese authorities have carried out a policy of repression under the cover of martial law. In Lhasa alone, some 10,000 army troops now stand sentinel over the city's estimated 50,000 Tibetans.

The consequences of martial law and the violation of the core of human rights considered inalienable

11. There is general agreement that the right to life and the prohibition of torture represent inviolable human rights even in states of emergency. Although pro-independence activity takes place in many parts of the Tibetan Autonomous Region and other areas inhabited by Tibetans, most reliable information available concerns Lhasa. There have been reports from refugees crossing into Nepal of executions done in secret, usually in prisons or military camps. The same charges have been written on wall posters put up in Lhasa. At present there is no way to investigate the accuracy of these reports.

12. More frequent are reports of arrests and accounts of torture by police and military. Arrests take place for participation in non-violent activities for democracy and self-government. Persons have been arrested for writing political posters or writing letters addressed to the United Nations. Others have been arrested for ill-defined "counter-revolutionary activities". Many so arrested are held incommunicado without being charged. Some persons have been sent to labour camps without trial. It would seem that arrests have been used indiscriminately so as to create a sense of terror.

13. There are widespread reports of torture from different sources. As there is no access to Tibet for an independent evaluation, we urge the Chinese Government to lift martial law and permit visits by diplomats and representatives of international human rights organizations.

The longer-range impact of martial law; ending the conditions which have led to martial law

14. Martial law provides the possibility of imposing policies which will leave an impact even after martial law is lifted. This is especially true in the economic sphere. The standard of living of the Tibetans is said to have gone down as the Chinese settlers have a free hand to take over the economic structures. Development projects are primarily aimed to benefit the Chinese, and there is no way in which there can be participation by Tibetans in the decision-making process under martial law conditions. Once martial law is lifted, we urge that the Chinese authorities permit the peaceful expression of political, social and cultural views concerning the future of Tibet.

UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/70
27 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Indian Law Resource Centre, a non-governmental organization on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[26 February 1990]

THE YANOMAMI INDIANS OF BRAZIL: VIOLATIONS OF THE RIGHT TO LIFE

Summary

1. The Yanomami Indians of Brazil are now dying in large numbers, and they are suffering the destruction of their means of subsistence and their environment. Over the past two-and-one-half years, the Yanomamis have been overrun by more than 45,000 gold miners, who have been permitted to invade their lands illegally, to destroy the forests and pollute the rivers with mercury, mud and oil. The Brazilian Government's remedial measures have proven to be little more than half-hearted gestures.

2. The facts outlined below show a gross and ongoing violation of the right to life as set out in article 3 of the Universal Declaration of Human Rights and in article 6 of the Covenant on Civil and Political Rights, as well as the rights to adequate food and medical care, to be free from hunger, and the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources, as set forth in articles 11, 12 and 25 of the Covenant on Economic, Social and Cultural Rights.

Background

3. There are about 9,000 to 10,000 Yanomamis in Brazil, in the States of Roraima and Amazonas. The Yanomami were, until recently, the largest group of Indians living in almost complete isolation. They live by hunting and fishing over a well-established area which has been recognized by the Brazilian courts.

4. In August 1987, gold miners began to overrun the Yanomami lands by their thousands. At the same time, the Government expelled the medical personnel and missionaries who had been assisting the Yanomamis, and barred observers, private doctors, journalists and others. The Government constructed and patrolled at least one airstrip used only by the miners to enter the Yanomami area with equipment and supplies. Until about two months ago, the Government did almost nothing to remove the miners or to stop their entry. Today about 45,000 miners are in the Yanomami lands.

5. At the root of this grave situation is the failure of the Government to demarcate properly and protect Yanomami lands from invasion. In 1989, the Government established 19 separate, discontinuous areas as the present Yanomami lands. This is less than 30 per cent of the Yanomami land previously recognized. The remainder of the Yanomami lands are now included in two national forests and one national park. Neither the rightful territory of the Yanomami nation nor the islands of recognized Yanomami land have been spared from the invading miners.

6. Last October a Brazilian Federal Court issued two decisions recognizing that the invasion of Yanomami lands by non-Indians is illegal under the Brazilian Constitution. The Court has ordered the removal of the miners and the closing of their clandestine airstrips and has ordered the area closed to non-Indians. However, the failure of the Government to comply with the Court's orders and the inevitable, lengthy process of appeal may mean that the Court's orders will be ineffective for many months or years.

Epidemics, death and lack of medical care

7. Having little natural immunity and virtually no medical care, countless Yanomamis have died and are continuing to die from diseases and infections contracted from the miners. A survey two months ago by a government medical team revealed the spread of the resistant and frequently fatal Falciparum strain of malaria. Almost one fourth of those tested had malaria. In the Yanomami area hundreds of cases of malaria were reported among Indians in 1989. Skin diseases, respiratory diseases, intestinal parasites, hepatitis, and tuberculosis are major problem.

8. Severe malnutrition is very widespread, caused by the gold miners' destruction of the wild game, fish and fruits upon which the Yanomami depend for food. Many of the Yanomamis are reduced to dependency on the miners and to begging for food. One government official reported that there were four deaths per day at Paapiu in the third quarter of 1989. A doctor visiting Paapiu in November 1989 was told of the recent deaths of "many children" and three adults. The surrounding Indian villages were almost empty: 121 of those Indians had been taken to Boa Vista to seek medical help, and 55 were not located. Yanomamis report the disappearance or abandonment of entire villages or "malocas" due to deaths.

Mercury poisoning and environmental destruction

9. Mercury washed into the rivers in the gold mining process has resulted in mercury poisoning and the deaths of several Yanomamis. The rivers are polluted as well by oil and mud resulting from the mining. There is widespread deforestation due to the mining as well as extreme noise pollution from aircraft. Grave over-population by the miners has done extensive damage to the delicate ecosystem.

Voilence against Yanomamis

10. There have been many reported violent clashes and killings of Yanomamis by gold miners. The miners have firearms, including automatic weapons. The Indians generally have only bows and arrows to defend themselves. Report of killings, assaults and rapes continue without apparent significant police action to identify and prosecute those responsible.

The Government's response

11. After the two orders of the Federal Court in Brasilia ordering the removal of the miners and the closing of the airstrips, the Government began to take certain positive steps. Unfortunately these steps have been faltering and inadequate. The Government announced a plan for evacuating the miners, but in fact few miners have been removed. Some miners are leaving the area voluntarily, but most are reported to be openly defying the law. An agreement was made between government officials and the miners permitting them to remain in certain Yanomami areas. The Government says this is a temporary step to facilitate removal. The Government has failed, however, to shut down the airstrips, and material support for the miners continues to flow into Yanomami territory. Informed observers report that there has been a very small reduction in the number of miners on Yanomami land.

12. The Government also approved an emergency health plan, which began in January of this year and now involves one government doctor and four private doctors provided by the non-governmental organization, Acao pela Cidadania. Thus far, the medical service has been limited to four areas and reaches only a fraction of the Yanomami population. Non-governmental health teams have not been permitted to travel and work independently in the area.

Needed action

13. This situation of gross violations of the right to life and other basic rights should be given close attention by the Commission, by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and by the Working Group on Indigenous Populations. The principled actions of the Brazilian Federal Court and the Government's limited health plan are positive steps that deserve support and encouragement. On the other hand, it is clear that unless more serious action is taken very soon to remove the miners and to provide the needed health care, vast numbers of Yanomamis will die, and this entire people may be literally destroyed. The Government of Brazil should immediately:

(i) Provide much-increased medical services;

(ii) Remove all the gold miners;

(iii) Recognize and protect the full Yanomami land area of 9.4 million hectares which was previously recognized.

14. The Union of Indigenous Nations of Brazil has invited the Chairman and members of the Working Group on Indigenous Populations to visit Brazil to gather information about the situation of Indian people. The new Government of Brazil will take office on 15 March. Such a visit, when the Government has taken office would be very useful and could lead to further positive steps. We ask that such a visit be facilitated and supported by the Commission and by the Centre for Human Rights.

UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/71
27 February 1990

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Latin American Federation of Associations of Relatives of Disappeared Detainees, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[26 February 1990]

The human rights situation in Argentina

1. The economic situation in Argentina has been deteriorating continuously for over two decades.

2. The constant loss of the purchasing power of wages means that the lower-income sectors - which make up a very large percentage of the population - are increasingly having to stop buying everyday articles of first necessity.

3. The cost of the "shopping basket" (minimum food, clothing, housing and transport needs for a couple with two children) is estimated at 760,000 Australes by research institutions. Rent accounts for 300,000-400,000 Australes. The best paid workers earn around 250,000 Australes. The most common work is paid at the rate of about 150,000 Australes. Pensions range between 100,000 and 150,000 Australes.

An Argentine worker has to work 2 hours 38 minutes to buy a kilo of meat (a United States worker 17 minutes, a French worker 1 hour 48 minutes and a German worker 1 hour 14 minutes).

4. The economic policy practised in our country results in a loss of the purchasing power of wages and in the drying up of sources of work, with consequent dismissals and lay-offs. It violates the human rights of the vast majority of the Argentine people who have lost their right to work, who do not earn a wage that allows them to meet their basic needs and those of their families, who live in makeshift accommodation and have no access to essential medicines or school equipment.

5. In February 1989, a veritable economic hecatomb took place, resulting in an outburst against society by sectors of the population who, overwhelmed by hunger and poverty, embarked on the pillaging of supermarkets: the expression of a starving people lacking leadership and guidance.

6. A year later, the crisis is recurring in heightened form, and the Government, faced with the threat of a repeat of the events of February 1989 and unable to put it down with the police force, is preparing to legalize intervention by the armed forces in matters of internal security by amending the National Defence Act, which involves updating of National Security theory and legalizing repression by once again granting impunity to those involved in repression.

7. As for civil rights, as a result of the repression in February 1989, there were 7 dead, hundreds of wounded and over 1,600 persons detained in the city of Rosario alone. Cases are still pending in the courts, including that of six leaders of a political party - one of whom belongs to our organization - who were accused of "inciting to commit acts of violence". In Córdoba, five trade-union leaders from the UTA (transport union) are in prison for having exercised their legitimate right to demand a fair wage.

8. On 23 January 1989, a group of militants from the MPT (Movimiento Todos por la Patria) stormed the La Tablada prison. For two and a half days, there was a battle between the attackers and 500 police and as many members of the Army. The attackers said that they had tried to give in from the beginning, but that they were shot every time they waved a white flag.

9. The armed forces repeated all the atrocities committed during the State terrorism period: they submitted detainees to cruel, inhuman and degrading treatment, made combatants disappear, tortured and murdered many of those who were later reported killed in battle. Once again among the attackers there were only dead, disappeared and detained, no wounded. And, in violation of moral standards and international treaties, phosphorous bombs were used in the repression.

10. Nine months later, the harshest sentences were handed down to the 20 prisoners of La Tablada. Sentences were handed down to the participants in the attack, to those who stayed on the sidelines and took no part at all, and to those who were subject to house arrest or gave themselves up voluntarily.

11. The trial, exemplary in its rapidity, especially when it is remembered that Generals Menéndez and Suárez Mason, accused of violating human rights in 1983 have not yet been tried, was improperly carried out and is therefore invalid.

12. Sentences were handed down on the basis of evidence provided by the army intelligence services, which contravened the provisions of article 15 of the National Defence Act that forbids the armed forces to gather intelligence on domestic political matters. Expert evidence was provided during the closed stage of the pre-trial proceedings, which deprived the defence of the right to challenge witnesses or propose its own expert witnesses. Identification was carried out on the basis of photographs and not by the obligatory identification parade. Documentary evidence on kidnappings, not signed by witnesses, was taken into account.

13. In addition, the Federal Chamber treated the cases of kidnapping and murder of occupiers of La Tablada as separate proceedings, and the procedure was not as rapid as for the trial of the 20 prisoners.

14. The sentence handed down to these prisoners goes beyond the penalty for the commission of an offence and becomes a punishment for political statements and activities. It was stated in the sentence that the objective of the attackers was "to subvert the political order".

15. We therefore consider the prisoners of La Tablada to be political prisoners, without attempting to judge the motives behind their action.

16. On 7 July 1989, the bodies of Norberto Morresi and Luis Roberto were buried. They had been detained in Buenos Aires on 23 April 1976 and had then disappeared. The two young men had been machine-gunned the same day, their bodies photographed, their fingerprints taken and they were buried as "persons unknown". The files recording the evidence of these crimes were in the Buenos Aires courts, despite which the many applications for habeas corpus submitted by their families seeking to find out their whereabouts were dismissed.

17. On 7 January 1990, the bodies of Marcelo Gelman and Ana María Pérez were buried. They had been kidnapped in August 1976 and taken to the "Orletti" clandestine detention centre where they disappeared until 13 October of this year, when eight barrels were thrown into the river from a military truck. This was reported by neighbours and the barrels were found by the Prefectura Naval, opened and found to contain six male and two female bodies, putrified, handcuffed, and set in cement. They were identified by the Prefectura but buried as persons unknown.

18. The applications for habeas corpus submitted on their behalf were also dismissed. Marcelo Gelman was shot in the back and Ana María Pérez, nine months pregnant, was killed by a shot in the vagina, which ended her life and that of her unborn child.

19. While these macabre discoveries were taking place, the President of the Republic decreed a pardon to 39 members of the armed forces accused of violating human rights during the last military dictatorship, and described by the Supreme Court of Justice as "perpetrators of a deliberate criminal plan".

20. The process of impunity which began with the "Punto Final Law" and the "Due Obedience Law" promulgated by Parliament in previous years has been strengthened by the pardon granted to persons accused of the commission of and/or responsibility for atrocious and aberrant crimes.

21. We condemn the unconstitutional nature of this pardon because it applied to accused persons. Article 86, paragraph 6, of the National Constitution speaks of pardoning penalties, and there can be no penalty without a firm judgement from a court imposing it. The human rights organizations in Argentina have lodged an appeal on the grounds of unconstitutionality before the law, which is now with the Supreme Court of Justice.

22. We also condemn the fact that this pardon violates the Convention against Torture and the International Covenant on Civil and Political Rights.

23. "No one, soldier or civilian, has the right not to answer for his crimes. No one has the right to oblivion, when aberrant crimes are involved that injure what is most valued in human dignity. For if reconciliation is not based on truth, it will have feet of clay and be mere hypocrisy."

24. These words were pronounced by Carlos Menem, now President of the Republic in December 1986.

25. The pardon that he himself has decreed, reneging on his statements, not only blocked the path to justice but also the path to truth. Truth which is within reach in some cases, as shown by the discovery of disappeared persons mentioned above, but impossible to find in others without the evidence of those directly responsible. However, because they were never tried or because they have been pardoned, the proceedings concerning them that we have brought with much difficulty have been halted.

26. The impunity granted by the pardon encourages the recurrence of the crimes committed.

27. As relatives of the victims of the repression, we have to try to ensure that the horror that we have lived through is never repeated.

28. We therefore consider it an extremely positive step for the General Assembly to approve a declaration on the enforced disappearance of persons.

27. We believe that this declaration should state explicitly:

(a) That the practice of enforced disappearance of persons is a crime against humanity;

(b) That this crime:

(i) Is an ongoing offence;

(ii) Gives rise to universal jurisdiction;

(iii) Is not subject to statutory limitation;

(iv) Is extraditable;

(v) Is not a political or military offence;

(c) That the persons who have caused disappearances or any act or omission leading to that crime:

(i) Shall not be able to benefit from amnesties, pardons or other measures that may prevent investigation of the facts and punishment of the guilty persons;

(ii) Shall not be eligible for political asylum or refuge;

(iii) Shall not be able to invoke obedience to orders as justification for causing enforced disappearances;

(d) That they shall not be able to invoke circumstances or states of emergency as a justification for enforced disapperances.

30. We urge the Member States to:

(a) Pledge themselves to prevent and put down this practice;

(b) Pledge themselves to investigate the situation of missing persons and to provide the necessary support to national and international human rights organizations in carrying out their activities; and

(c) Undertake as a matter of urgency the necessary studies to prepare a draft international convention against the enforced disappearances of persons, aimed at improving international prevention and establishing the legal foundations for the repression of this practice as an offence under international law, in judging which the principle of universal jurisdiction should be established.

Buenos Aires, Argentina, February 1990

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/72
1 March 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session

Agenda item 13

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

Written statement submitted by the International Organization of Journalists, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[26 February 1990]

Safety and protection of journalists

1. The International Organization of Journalists (IOJ) would like to draw the attention of the forty-sixth session of the United Nations Commission on Human Rights to the gravity of the question of safety and protection of journalists.

2. The journalistic profession has become one of the most dangerous professions in the world. Journalists have been exposed in recent years to increasing risks and dangers. In many instances they have been subjected to harassment, arrest, torture, denial of their rights, and even physical liquidation to prevent them from performing their professional duties. This process of silencing journalists and the media is increasing to an alarming level. Dictatorial régimes and those forces opposed to the responsible flow of information are more and more resorting to violence to prevent journalists from performing their professional duties.

3. Data at the disposal of the IOJ for the last four years (1986-1989) clearly reflects the gravity of the problem:

(a) Killed:

in 1986 19 journalists
in 1987 25 journalists
in 1988 38 journalists
in 1989 60 journalists

(b) Kidnapped

in 1986 13 journalists
in 1987 10 journalists
in 1988 6 journalists
in 1989 3 journalists

(c) Detained:

in 1986 178 journalists
in 1987 188 journalists
in 1988 98 journalists
in 1989 269 journalists.

4. At present the lives of two journalists - from Great Britain and the United States - John McCarthy and Terry Andersson, continue to be in jeopardy. They were kidnapped in 1985 in the Lebanon while performing their professional duties and nothing has been heard of their fate.

5. Drug traffickers, particularly in Colombia, have especially targeted journalists for their wrath. It is reported that they have killed 13 journalists and attacked a number of newspapers, notably El Espectador newspaper.

6. The International Organization of Journalists, which is a professional world-wide body devoted to the defence of the material and moral welfare of journalists, deems it its duty to urge the international community, especially the United Nations Commission on Human Rights, to take immediate action to put an end to this grave situation and to assure the safety and protection of journalists.

7. Journalists, in performing their professional duties, are fulfilling the provisions of the Universal Declaration of Human rights. They thus stand in need of the support and protection of the international community.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/73
1 March 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Arab Lawyers Union, the Arab Organization for Human Rights, Human Rights Advocates, the International Commission of Health Professionals, the International Commission of Jurists, the International Federation of Human Rights, the International Fellowship of Reconciliation, the International League for Human Rights, the International League for the Rights and Liberation of Peoples, Pax Christi, Pax Romana and the Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II), Liberation, the International Federation of Action of Christians for the Abolition of Torture, the Movement against Racism and for Friendship among Peoples and the Regional Council on Human Rights in Asia, non-governmental organizations on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 February 1990]

Four long-term political prisoners executed in Indonesia

We are shocked to learn that four political prisoners who have all spent a quarter of a century in prison have just been executed in Indonesia. They were executed in Jakarta on 15 February 1990. There are fears that two others may also have been executed in Medan, North Sumatra, last October.

All the victims were accused of involvement in an alleged coup attempt in October 1965 following which the military took power, under the present Indonesian President, General Suharto. They were arrested in the last quarter of 1965. All were tried after being held in detention for several years; they were found guilty and sentenced to death under Indonesia's Draconian and widely condemned anti-subversion law.

None of the executed men was permitted to meet members of their family before being put to death.

The four executed men are:

Satar Suryanto, 58 years old, sentenced in April 1971.
Simon Petrus Soleiman, 61 years old, sentenced in November 1969.
Norbertus Rohayan, also known as Nur Hidayat, 50 years old, sentenced in November 1969.
Johannes Surono, 61 years old, sentenced in October 1970.

We also note with alarm that there are still at least 10 other political prisoners under sentence of death in Indonesia, of whom eight have also spent more than 20 years in prison, on similar charges as the above. The others are men who were charged for activities relating to their Muslim beliefs and have been in prison since the mid-1980s.

The undersigned Non-Governmental Organizations; present at the Forty-sixth Session of the United Nations Human Rights Commission, strongly condemn these executions. We urge the Commission to condemn this act of inhumanity, inflicting the death penalty on men who have already served nearly 25 years, more than half their adult lives, in prison.

We also call on the Commission to press the Indonesian Government to commute all these sentences and to abolish the death sentence. We support the campaign by Indonesian human rights activists for the abolition of the death sentence in Indonesia in both criminal and political cases.

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UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/74
6 March 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Liberation, a non-governmental organization on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLV).

[6 March 1990]

The human rights situation in East Timor

1. This organization has been deeply troubled by human rights abuses in East Timor for many years and warmly welcomes the resolution adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session [E/CN.4/Sub.2/1989/L.34] recommending that the Commission consider the human rights situation and fundamental freedoms in East Timor at its forty-sixth session.

2. We therefore consider it our duty to inform you of recent developments in East Timor, especially prior to and following the Mass celebrated by Pope John Paul II at Taci Tolu, near Dili on 12 October 1989. We shall first describe the latest abuses and then summarise reports of abuses occurring in the 12-month period before the Mass.

Developments since 12 October 1989

3. The Mass celebrated by Pope John Paul was marked by a demonstration by dozens of people who unfurled banners in favour of independence. Those involved were certainly aware of the risks, in view of the intense security precautions surrounding the Mass. The efforts by security forces to quell the demonstration were graphically reported in the world's media.

4. On 13 October, Bishop Belo, head of the Catholic Church of East Timor, told contacts in Australia by phone that 40 demonstrators had been arrested and were being tortured and beaten by the military to extract confessions that would implicate the Church. He said:

> "I am shocked that the military is extracting false confessions under torture. The boys were trying to express their discontent with the situation in East Timor. It is a lie that the Church is in any way involved in the demonstration."

5. While these arrests were under way, 28 young people took refuge in the Bishop's residence and remained there for several weeks, the first time that the Church has given sanctuary to so many people. These developments confirmed reports by several foreign journalists who visited the territory on the occasion of the Pope's visit, that East Timor was "in the grip of fear".

6. On 4 November, a demonstration took place outside Bishop Belo's residence in an attempt to intimidate him into forcing the sanctuary-seekers to leave. Others demonstrated in support of the Bishop. Video shots taken by the security forces at the Mass helped them to identify some of the pro-Belo demonstrators as people who had unfurled banners at the Mass.

7. On 5 November, a number of people were arrested. Some are students of Sao Jose Catholic high school in Dili. They were tortured with electricity and severely beaten. Shortly afterwards, the 28 people taking sanctuary with the Bishop left his residence; eight of them were immediately arrested.

8. On 15 November, a unit of soldiers armed with bayonets, reinforced by military police and 4 platoons from Battalion 744, surrounded the Sao Jose school and made a forced entry to carry out a search of the premises. They were apparently searching for four people connected with the school who had gone into hiding. When students tried to prevent this forced entry, the troops let off three volleys of gunfire. A student who was discovered in the school toilets was beaten so severely that he fainted. Several students fled from the school; one informed the Bishop that the school was under attack, whereupon he went to the scene to intervene.

9. It is not clear how many arrests followed this unlawful armed assault on the school but, fearing a further wave of arrests, as many as 30 people took refuge in the Bishop's residence. The Bishop subsequently told a Portuguese journal that these sanctuary-seekers had also left [Expresso, 6 January, 1990]; the circumstances of their departure are not clear. On 10 December, someone outside the Bishop's residence, believed to be a taxi-driver, was kidnapped.

10. According to information from a variety of sources, there were in mid-December 1989 at least twenty people under arrest in Dili. They are

mostly students from Sao Jose school and probably also from the Fatumaca Catholic school, Baucau. The actual figure could be much higher; there are a number of places being used in Dili for custody and interrogation, to which local and outside observers do not have access. These include a guest-house, the headquarters of the district military command, the headquarters of Kopassus, the elite para-commando force, and at least three private residences.

11. Summing up, in the last quarter of 1989, in addition to those still in custody, many dozens of Timorese were taken into custody and tortured to extract information, as part of an operation to round up all those alleged to have been involved in the 12 October demonstration. According to one source, eight of those now under arrest are due to be brought to trial in January 1990. Previous trials in East Timor have taken place under conditions which violate Indonesia's own Criminal Procedures Code; defendants have had no access to defence lawyers of their choice.

12. Apart from these 12 October-related detainees, there are five convicted political prisoners in Dili's Becora Prison and six in Cipinang Prison, Jakarta. This information was given to the Australian ambassador during a visit to Dili in October 1989. No information is available about political detainees being held in local army command headquarters throughout the country.

Abuses in the 12-month period before the Pope's visit

13. In late 1988, many reports were received of human rights violations in East Timor. There was a wave of arrests around the time of President Suharto's one-day visit to Dili on 1 November 1988. Although most were released after being held for short periods, their treatment under detention prompted Bishop Belo to complain in a Pastoral Letter on 5 December that many "were slapped, beaten and tortured" a method which, he said, had become routine in Timor. "We oppose this barbaric system and condemn the lying propaganda according to which human rights violations do not exist in East Timor."

14. On 16 February 1989, the Bishop wrote to the Papal Nuncio in Jakarta to inform him of the summary execution of two people by troops of Battalion 726 in Dilor-Lacluta on 31 October 1989, the beating of seven villagers by troops of the same battalion, as well as summary executions in Ossu (four persons), Lacluta (five persons), Viqueque (one person) and Gariwai-Baucau (two persons). Clandestine sources put the number executed in Gariwai-Baucau at twenty and gave details of four other executions in Zumulai, near the border with West Timor, at the end of 1988. This source also said that troops of Battalion 328 had killed twenty Timorese alleged to have been in contact with the armed resistance.

15. From April till June 1989 many arrests took place in Baucau, Dili and elsewhere. An East Timorese student studying in Bali was also arrested, as a result of which six others, fearing for their safety, sought asylum in the Japanese and Vatican embassies in Jakarta. Several lists of persons taken into custody from April to June 1989 were received, including a list of 25 detainees compiled by Bishop Belo. The detainees had been "tortured, hit, beaten, burnt with cigarettes and given electric shocks". The Bishop also wrote that "Colonel Bimo, chief of intelligence of Koopskam [the special

security command for East Timor] had confirmed that these prisoners and detainees have been taken into custody in the interests of the Pope's security".

16. Mr. H.J.C. Princen, chairman of the Indonesian Institute for the Defence of Human Rights, wrote three times to the commander-in-chief of the Indonesian armed forces in June 1989 about the many reported arrests and executions in East Timor, asking for an investigation. The letters were not answered though Mr. Princen was called in for questioning by the army.

17. On 6 October 1989, Mr. Princen again wrote to the armed forces commander-in-chief, giving details of 26 executions since November 1988 and again calling for an investigation. This letter has also remained unanswered. In view of mounting concern about conditions in East Timor, Mr. Princen was accredited by the Regional Council on Human Rights in Asia to present a statement to the forty-fourth session of the United Nations Sub-Commission for the Prevention of Discrimination and Protection of Minorities; he was refused permission to leave Indonesia for this purpose.

Conclusions

18. The human rights situation in East Timor has further deteriorated since the Sub-Commission adopted its resolution last August. We therefore urge the Commission,

(a) To call on the Indonesian authorities to halt the abuses;

(b) To increase pressure on Indonesia to allow international human rights organizations to visit East Timor and send observers to any political trials held there;

(c) To undertake a special investigation of the situation in East Timor;

(d) Finally, we urge the Commission to place East Timor on its agenda for annual consideration in order to keep the situation under constant view.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/75
7 March 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session

Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the following: World Confederation of Labour, a non-governmental organization in consultative status (category I), American Association of Jurists, Anti-Slavery Society, Arab Lawyers Union, Arab Organization for Human Rights, Human Rights Advocates, Human Rights Internet, International Association of Penal Law, International Association for the Defence of Religious Liberty, International Association of Educators for World Peace, International Commission of Jurists, International Commission of Health Professionals for Health and Human Rights, International Federation of Human Rights, International Fellowship of Reconciliation, International Organization for the Elimination of All Forms of Racial Discrimination, Pax Christi International, Pax Romana, Service for Peace and Justice in Latin America and the Union of Arab Jurists, non-governmental organizations in consultative status (category II), Centre Europe - Tiers Monde, Defence for Children International, International Federation of Rural Adult Catholic Movements, International League for the Rights and Liberation of Peoples, International Peace Bureau, International Pen and World Union for Progressive Judaism, non-governmental organizations on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 March 1990]

URGENT APPEAL TO THE FORTY-SIXTH SESSION OF
THE COMMISSION ON HUMAN RIGHTS

1. Eritrea was an Italian colony between 1889 and 1941 and was then placed under provisional British administration. In 1950, it was federated with Ethiopia on the basis of General Assembly resolution 390 (V) of 1950, contrary to the Charter of the United Nations and against the will of the Eritrean people.

2. It is an established fact that during the federation, the Ethiopian feudal rulers dismantled all democratic institutions. Among other things, they banned and abolished freedom of the press, association and trade unions and imposed Amharic, the Ethiopian language, to be the official language of Eritrea. Finally, they annexed Eritrea unilaterally and incorporated it into Ethiopia in 1962.

3. The United Nations, being the author and sole guarantor of the federation remained silent and passive when the Ethiopian rulers violated the resolution despite the appeal and outcry of the Eritrean people.

4. During the last 29 years of conflict, the successive Ethiopian régimes have pursued a coercive policy to crush the struggle of the Eritrean people for its basic and legitimate right to self-determination.

5. In the process, they have committed colossal human rights violations, ranging from arbitrary arrests, detention, torture, extrajudicial execution, blanket bombardment using napalm and cluster bombs, and the destruction of whole villages including churches, mosques, schools and farms. As a result, close to 900,000 people have taken refuge in foreign countries and tens of thousands have been internally displaced in their home land.

6. The Eritrean people are again confronted with the heavy burden and challenge not only of the on-going war but also of famine. Currently, there are 1.9 million people in need of urgent emergency food aid and a delay could bring about a catastrophic situation.

7. Therefore, we solemnly appeal to the Commission on Human Rights to remind the United Nations that it has the moral and legal responsibility to use its good offices to find a just and peaceful settlement to the Eritrea-Ethiopia conflict.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/76
8 March 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 14

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

Written statements submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[8 March 1990]

Environmental rights

1. In the discussion of human rights and scientific and technological developments, we would like to stress the concept of environmental rights as human rights. The notion of ecological or environmental rights is already enshrined in various international instruments, and the key to conceiving environmental rights as human rights is to recognize that human beings are part of nature.

2. The right to a sound, satisfactory and healthy environment has been recognized in a number of important international declarations and treaties, such as the Stockholm Declaration on the Human Environment, the International Covenant on Economic, Social and Cultural Rights, the African Charter on Human and Peoples' Rights, the Declaration of the Hague, and the Additional Protocol on Economic, Social and Cultural Rights to the American Convention on Human Rights. The references to these and other relevant treaties are included in the annex to this statement. The relation between human and environmental rights is developed more fully in the Brundtland Commission Report, Our Common Future. The Commission on Human Rights has recognized this relationship in

its work on the right to development, the on-going work on indigenous peoples, and the Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/12 on "Movement and Dumping of Toxic and Dangerous Products and Wastes" at this session.

3. On the subject of environmental rights, there is an immediate possibility for an important contribution by our Commission in the preparation for the United Nations Conference on Environment and Development which will be held in Brazil in 1992. The preparatory committee for this conference is having its first meeting in March in New York. In order to prepare for this important event, we recommend that there be full co-operation with the note being prepared by an expert of the Sub-Commission on "Human Rights and the Environment". Given the need to develop the widest range of views prior to the 1992 Conference, we recommend therefore that the Commission request the Secretary-General to submit to the Commission on Human Rights at its forty-seventh session an analytical report on "the relationship between human rights and the right to a sound, satisfactory and healthy environment", taking into account views and information submitted by governments, specialized agencies, relevant United Nations organs, regional intergovernmental organizations and non-governmental organizations.

4. The analytical report could take as its starting point the fact, recognized by the General Assembly in the World Charter for Nature, that "Mankind is a part of nature and life depends on the uninterrupted functioning of natural systems". Human activity is itself natural, is an expression of nature, rather than the imposition of another reality on it. The understanding of the interdependence and value of all aspects of existence is intrinsic not only to modern ecological and systems theory, but also to the traditional world views of indigenous peoples, as well as to Buddhism, Taoism and Vedanta. The analytical report could draw on these insights and principles in order to move towards a description of rights and responsibilities better suited to the critical state of our world than is the paradigm which sees humanity and nature as separate.

5. The principle of the non-separation of rights is reflected in General Assembly resolution 37/199 of 18 December 1982, which established that all human rights and fundamental freedoms are indivisible and interdependent. The analytical report could take this principle into account, and consider examples of the extension of universally-accepted human rights into the wider human environment. One such example would be the Declaration of The Hague of 11 March 1989, which grounds the right to an adequate environment on the right to life, perhaps the most basic of all rights.

6. The report could also study the implications of the precautionary principle, which is partially acknowledged in the World Charter for Nature. The principle states that any planned activity or substance which could cause harm to the environment would have to go through an evidentiary threshold, and only if society were satisfied that no unacceptable harm would result, would the activity or substance be permitted. The precautionary principle encourages a decision-making process balanced in favour of protecting the environment. One important task will be to examine the application of this principle in the light of the right to development.

7. The 1992 Conference on Environment and Development is being called with full recognition that we must make full use of, and strengthen, the existing specialized environmental protection forums. However, the ecological problems we are facing as a society and as a planet are so urgent and grave that we need to tackle them at all possible levels and in all possible ways. It is thus vital to engage the whole human community in exercising ecological responsibility. An understanding of ecological rights as human rights could help to focus that responsibility and lay the ground for more comprehensive standards.

8. One community which would benefit most quickly from ecological rights are indigenous peoples. We welcome the interest of indigenous organizations in this question and hope that there can be a positive contribution by the Working Group on Indigenous Populations to the 1992 Conference. The world views and life experience of indigenous people will be of great benefit to the Conference.

9. We believe that the 1992 Conference on Environment and Development can serve as an important step in making the right to development a guiding principle within the United Nations system. It can also serve to make ecological rights central to our common efforts.

Annex

Relevant treaties and other international instruments dealing with environmental or ecological rights (list not exhaustive)

United Nations Stockholm Declaration on the Human Environment, 1972

Nordic Convention on Environmental Protection

Economic Commission for Europe Convention on Long-Term Transboundary Pollution

African Charter on Human and Peoples' Rights, 1982 (art. 24)

Additional Protocol on Economic, Social and Cultural Rights to the American Convention on Human Rights, 1988 (art. 11)

International Covenant on Social, Economic, and Cultural Rights, 1966 (art. 12 b) - ratified by 94 countries

Report of the World Commission on Environment and Development (adopted 11 December 1987, General Assembly resolution 42/187)

United Nations Environmental Perspective to the Year 2000 (11 December 1987, General Assembly resolution 42/187)

Resolution on the Right to Development (General Assembly resolution 41/128, 4 December 1986)

World Charter for Nature (General Assembly resolution 37/7, 28 October 1982)

Sub-Commission decision 1989/108 "Human Rights and the Environment"

General Assembly resolution 44/224 on International Co-operation in the Monitoring, Assessment and Anticipation of Environmental Threats and in Assistance in Cases of Environmental Emergencies - 22 December 1989

International Labour Organisation Convention 148 (concerning the Protection of Workers against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration - 1977)

International Labour Organisation Convention 155 (concerning Occupational Safety and Health and the Working Environment - 1981)

Declaration of the Hague, 11 March 1989

UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/77
15 March 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the World Federation of Trade Unions, a non-governmental organization in consultative status (category I); the International Association against Torture, the International Commission of Jurists, the International Fellowship of Reconciliation, the International Indian Treaty Council, the International League for Human Rights, the International Organization for the Elimination of All forms of Racial Discrimination, the International Union of Students, Pax Christi International, Pax Romana and the World University Service, non-governmental organizations in consultative status (category II); the Indian Law Resource Center, the International Association for the Defence of Religious Liberty, Liberation, the Minority Rights Group and the Regional Council on Human Rights in Asia, non-governmental organizations on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 February 1990]

Violations of Human Rights in Nepal

1. We, the undersigned non-governmental organizations having consultative status with the United Nations, are greatly concerned about the deteriorating human rights situation in Nepal. Unlawful killings, disappearances, arbitrary arrests, detention without trial, torture and deaths in custody have assumed alarming proportions while restrictions on freedom of association, of assembly and of expression are on the increase.

2. Amnesty International and Asia Watch, in the detailed investigative reports on human rights violations in Nepal, published in 1987 and 1989 respectively, have expressed concern at the bans on political parties, restrictions on freedom of assembly, and of expression. They have also expressed concern at the lack of due process of law, and fair and prompt trials of political prisoners and prisoners of conscience, widespread use of arbitrary laws, increasing ineffectiveness of habeas corpus petition and the lack of independence of the judiciary. In fact, as the 1962 Constitution of Nepal makes the Crown the source of all the powers of government, the branches of the government including the judiciary are only organs for carrying out the royal will. Nepal introduced the partyless panchayat (assembly) system in 1962.

3. Article 11 (2A) of the Constitution states that "... no political party or any other organization, union or association motivated by party politics shall be formed or caused to be formed or run". All political parties and political activities have been totally banned since 1960 after the royal takeover that abolished the first ever-elected parliamentary form of government in Nepal. Arbitrary laws made under article 17 of the Constitution have been continuously used to control or avoid opposition politics. Article 17 empowers the enactment of laws to regulate or control the exercise of fundamental rights for the sake of "public good". One of the laws made under this article includes the Public Security Act of 1961 as amended in 1989. Orders issued under this Act cannot be questioned in any court of law.

4. In 1989, the Government of Nepal enacted the Anti-State (Crimes and Punishment) Act replacing the Treason Act of 1962 which further restricts opposition political activities. There are already a large number of laws in Nepal for the purpose of restricting and prohibiting the exercise of basic human rights and fundamental freedoms. These laws are not in conformity with the minimum international legal standards and human rights norms.

5. Recent events in Nepal resulting from the use of these undemocratic laws have been a serious challenge to the international human rights community. The peaceful pro-democracy movement which started on 18 February 1990, has been brutally crushed by the Nepali authorities. Since the beginning of this movement, police and military forces have indiscriminately shot dead demonstrators. Some doctors have said that prohibited bullets were used to shoot demonstrators. The official number of deaths is around 10. According to unofficial sources, however, more than 50 people have been killed. In some places, dead bodies are not delivered to the families of victims for cremation, and family members are intimidated by the authorities.

6. About 6,000 people have been illegally arrested and held in detention or prison without charge or trial. They are kept in overcrowded and extremely cold godowns without food and clothes. As names of detainees are not disclosed in public, families and relatives do not have access to them. Some people do not know the whereabouts of their family members, or whether they are in detention or killed or injured.

7. Beatings and cases of physical torture have been reported throughout the country. Some detainees have been released after severe beatings and with their arms and legs broken. Victims of government atrocities are not provided adequate medical facilities in hospitals. In some places, victims are denied treatment by hospital authorities for their participation in demonstrations.

8. The Government has further arrested about 1,500 people on 26 February 1990 from Kathmandu valley on the occasion of the "Black Day" protest. Those arrested included the dissident National Panchayat Member Padma Ratna Tuladhar and former Mayor of Kathmandu, Haribol Bhattarai. The other dissident National Panchayat members already in detention are Bhim Bahadur Shrestha and Jagrit Prasad Bhetwal.

9. On Friday, 23 February 1990, the police arrested Professor Dr. Mathura Prasad Shrestha. He is one of the country's leading intellectuals and the Chairperson of the Forum for Protection of Human Rights. He has headed demonstrations of doctors and other staff at the main teaching hospital in Kathmandu, and later led a delegation to the Prime Minister to complain of systematic violations of human rights. The Government has also arrested the Chairperson of the Nepal Bar Association Human Rights Committee, Senior Advocate-Mukunda Regmi. The number of lawyers arrested in various parts of the country is now 45 following the announcement of support to the movement by the Nepal Bar Association.

10. The Government has tightened press censorship. Around 12 newspapers have already been closed, others have their copies seized, and Indian newspapers are banned. Universities are closed indefinitely, hostels were raided on and students forced to leave their hostels immediately. Meanwhile, several schools and university teachers have been dismissed from their jobs or arrested and detained with thousands of students for their support to or participation in the pro-democracy movement.

11. The opposition, led by the United Left Front and the banned Nepali Congress Party, are organizing continuous demonstrations and protests throughout the country to achieve the multiparty political system of democracy in the country.

12. As a member of the United Nations, Nepal is bound by the Charter of the United Nations and the Universal Declaration of Human Rights to promote and encourage respect for human rights and fundamental freedoms. Nepal acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 1971. Nepal, as a party to this Convention, has also bound itself under article 5 of the Convention to guarantee several rights, including the right to freedom of thought, conscience, and religion, the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association.

13. We, therefore, respectfully request the Commission on Human Rights to urge the Government of Nepal to immediately put an end to further killings, tortures and arrests of all those participating in the pro-democracy movement and immediately and unconditionally release all those arrested in this connection.

14. Because of the increasing intensity of gross and systematic violations of human rights, we also request that the Commission investigate all human rights abuses in Nepal through its appropriate mechanisms and report back to the Commission for further action.